IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

LATASHA DORSEY,)	
)	
Plaintiff,)	
)	
v.)	**CIVIL ACTION NO. 5:21-CV-435 (MTT)**
)	
MICHAEL MCMUNN,)	
)	
Defendant.)	
_____)	

ORDER

Defendant Michael McMunn moves for reconsideration of the Court's Order rejecting in part the Magistrate Judge's Report and Recommendation and denying in part McMunn's motion for summary judgment (Doc. 49). Doc. 63. McMunn's motion for reconsideration is based on the Eleventh Circuit's decision in *Wade v. McDade*, 106 F.4th 1251 (11th Cir. 2024)).

Pursuant to Local Rule 7.6, "Motions for Reconsideration shall not be filed as a matter of routine practice." M.D. Ga. L.R. 7.6. Indeed, "reconsideration of a previous order is an extraordinary remedy to be employed sparingly." *Bingham v. Nelson*, 2010 WL 339806 at *1 (M.D. Ga. Jan. 21, 2010) (internal quotation marks and citation omitted). It "is appropriate only if the movant demonstrates (1) that there has been an intervening change in the law, (2) that new evidence has been discovered which was not previously available to the parties in the exercise of due diligence, or (3) that the court made a clear error of law." *Id*. "In order to demonstrate clear error, the party moving for reconsideration must do more than simply restate his prior arguments, and

-2-

any arguments which the party inadvertently failed to raise earlier are deemed waived."

McCoy v. Macon Water Authority, 966 F. Supp. 1209, 1222-23 (M.D. Ga. 1997).

Wade does not require reconsideration of the Court's Order. Based on the disputed facts, a reasonable jury could find that McMunn was subjectively aware of the condition of Hubbard's feet and that McMunn acted "with subjective recklessness as used in criminal law" when he failed to respond to that condition. *See generally* Doc. 49; Wade, 106 F.4th at 1255. Accordingly, McMunn's motion for reconsideration (Doc. 63) is **DENIED**.

SO ORDERED, this 27th day of August, 2024.

<u>S/ Marc T. Treadwell</u>
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT